

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

QUIBELL et al

Serial No. **09/171,671**

Filed: **October 23, 1998**

Title: **AUTO-DECONVOLUTING COMBINATORIAL LIBRARIES**

Honorable Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

Atty Dkt. **179-28**

C#/M#

Group Art Unit:

Examiner:

Date: **April 19, 1999**

PETITION

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment **0** minus highest number
previously paid for (at least 20) = **0** x \$ 18.00 \$ 0.00

Independent claims after amendment **0** minus highest number
previously paid for **0** (at least 3) = **0** x \$ 78.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$260.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$ 110.00 /1 month; \$380.00/2 months; \$870.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ Please enter the previously unentered filed

First submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$760.00) \$ 0.00

Second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$ 760.00) \$ 0.00

SUBTOTAL \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Statement filed herewith

Petition \$ 130.00

Assignment Recording Fee (\$40.00) \$ 0.00

TOTAL FEE ENCLOSED \$ 130.00

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A

Arlington, Virginia 22204-4114

Telephone (703) 816-4000

Facsimile (703) 816-4100

Signature _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

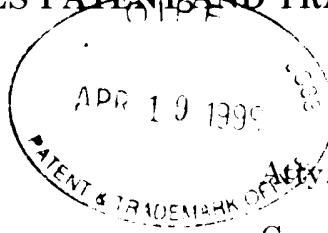
In re Patent Application of

QUIBELL et al

Serial No. 09/171,671

Filed: October 23, 1998

For: AUTO-DECONVOLUTING COMBINATORIAL
LIBRARIES



Atty. Ref.: 179-28

Group:

Examiner:

* * * * *

April 19, 1999

Assistant Commissioner for Patents
Washington, DC 20231

PETITION

Sir:

Pursuant to 37 C.F.R. 1.47(a), it is hereby petitioned that the present application proceed despite the refusal of Applicant Terance Hart to execute the Rule 63 Declaration for this application. In support of the present Petition, attached are the following documents:

- 1) executed Declaration of Dr. Antony J. Caston;
- 2) executed Rule 63 Declaration listing Terance Hart as an Applicant and signed by the remaining applicants;
- 3) petition fee (\$130.00);
- 4) Notification of Missing Requirements; and
- 5) executed Small Entity Declaration.

Very truly yours,

Rule 63 Declaration and Assignment for the present application. As of the date of

the present petition, Dr. Hart has not executed the Rule 63 Declaration or Assignment for the present application.

On December 21, Dr. Caston wrote to Dr. Hart (Exhibit 1 of the Caston Declaration) forwarding documents for execution by Dr. Hart. Nothing was heard from Dr. Hart, and Dr. Caston followed up with an E-mail (Exhibit 2) on January 14, 1999 reminding Dr. Hart of the need to execute the documents. On January 26, Dr. Hart replied by E-mail (Exhibit 3) advising that he had not had time to read the package but would deal with it when he had time. Having not heard from Dr. Hart, Dr. Caston E-mailed Dr. Hart on February 2, 1999 (Exhibit 4). Dr. Hart replied by E-mail on February 5, 1999 (Exhibit 5) advising that he had not yet reviewed the papers. Dr. Caston E-mailed the commercial director of Peptide Therapeutics (Nick Higgins) (Exhibit 5) asking what to do next. In response, Nick Higgins E-mailed Dr. Hart on February 5, 1999 (Exhibit 6) requesting execution of the documents. Having received no reply, Nick Higgins wrote a letter on February 26, 1999 (Exhibit 7) and forwarded that letter to Dr. Hart by recorded delivery urging execution and return of the documents. This letter was returned to Peptide Therapeutics on February 27, 1999 (Exhibit 7) with the envelope marked "UNDELIVERED FOR REASONS STATED RETURN TO SENDER." Nothing has been heard from Dr. Hart since receipt of the returned envelope on February 27, 1999. A further copy of the documents has been sent to Dr. Hart but no reply has been received.

QUIBELL et al
Serial No. 09/171,680

-3-

The Commissioner is hereby authorized to charge any fees which may be required in this matter, or credit any overpayment, to our **Deposit Account No. 14-1140**. A duplicate of this Petition is attached for possible Finance Branch Use.

Grant of the present petition is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard

Reg. No. 29,009

LCM:lks
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100